

REMARKS

Claims 1-7 and 9-16 are pending in this application. Claim 8 has been canceled without prejudice or disclaimer and claim 1 has been amended for clarity.

**Claims 2-4 and 8 are rejected under 35 U.S.C. 112, second paragraph, as indefinite.
(Office action point 2)**

The rejection of claim 2 is overcome by the amendment to claim 1, for clarity. In claim 1, line 4, "a sauce layer" has been amended to –an external sauce layer– to provide proper antecedent basis in claim 2. The amendment to claim 1 also clarifies that the "external sauce" layer is different in composition from the water migration-prevention layer.

The rejection of claims 3-4 is respectfully traversed. Degrees of Brix, corresponding to % sugar, is a well known unit in the art, and Applicants assert that this recitation is not indefinite.

Claim 8 has been canceled without prejudice or disclaimer.

Claims 1, 2, 6, 8, 9, 10, and 12 are rejected under 35 U.S.C. 102(c) as anticipated by Scherpf et al. (U.S. Pat. No. 6,235,330). (Office action point 4)

The rejection of claims 1, 2, 6, 9, 10 and 12 under 35 U.S.C. 102(c) is respectfully traversed, as Applicants assert that Scherpf et al. does not disclose all of the limitations of claim 1. Scherpf et al. does disclose frozen rice or pasta pieces with a coating on the surface, where the coating layer may be a sauce. However, claim 1 recites **both** a water migration-preventing layer and an external sauce layer.

Scherpf et al. does not explicitly disclose a water-migration preventing layer. However, even if Scherpf et al.'s coating layers are taken as the water-migration preventing layer of the present invention, Applicants note that Scherpf et al. appears only to disclose coating layers which are all made of the same material. Scherpf et al. refers to "a thick, even coating" in column 2, line 36, and to "a thorough, even coating" in column 6, line 37. More significantly, Scherpf et al.'s apparatus is clearly designed to coat with only one material. The free-flowing pieces are agitated in a single coating drum 13 or rotating tube 44. In the apparatus shown in Fig. 3, in which multiple nozzles 48 spray the liquid coating material, these nozzles may be seen to be connected to the same conduit 34 and must therefore all be spraying the same material. It would not appear possible to coat discrete coatings of different materials using Scherpf et al.'s apparatus.

Therefore, Scherpf et al. does not disclose both a water-migration prevention layer and an external sauce layer that are different in composition from each other, as recited in claim 1.

Similarly, claim 9 requires a primary sauce and a secondary sauce that are different in composition, and therefore Scherpf et al. does not disclose a primary and secondary sauce as in claim 9.

Applicants therefore believe that claims 1, 2, 6, 9, 10 and 12 are not anticipated by Scherpf et al.

Claims 3-5, 7, 11 and 13-16 are rejected under 35 U.S.C. 103(a) as unpatentable over Scherpf et al. (U.S. Pat. No. 6,235,330). (Office action point 7)

The rejection of claims 3-5, 7, 11 and 13-16 is respectfully traversed.

Applicants have noted above, in regard to the rejections under 35 U.S.C. 102(e), that Scherpf

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et al. does not disclose the "water migration-preventing layer" and "external sauce layer" of claim 1. Likewise, Scherpf et al. does not disclose the "primary sauce" and "secondary sauce" of claim 9. There appears to be no suggestion in Scherpf et al. to use sauces of two compositions to provide separate coating layers. Moreover, as noted above, it would appear to be impossible, using Scherpf et al.'s apparatus, to dispense two sauces from the nozzles or to form separate coating layers of different sauces.

Therefore, there is no teaching, suggestion or motivation in Scherpf for the limitations of the pending claims, and Applicants believe that claims 3-5, 7, 11 and 13-16 are novel and non-obvious over Scherpf et al.

A marked-up version showing the changes made by the present amendment are attached as "Version with Markings to Show Changes Made".

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact Applicant's undersigned agent at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

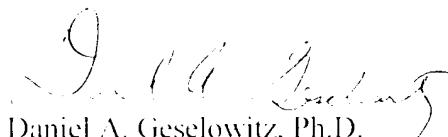
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In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees which may be due with respect to this paper, may be charged to Deposit Account No. 01-2340.

Respectfully submitted,

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DAG/plb

Enclosures: Version with Markings to Show Changes Made

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AMENDMENT UNDER 37 CFR 1.111
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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS

Please amend claim 1 as follows:

1. (Amended) A frozen food product comprising as a major ingredient boiled rice grains or boiled pasta pieces; a water migration-preventing layer formed on the surface of each rice grain or boiled pasta; and ~~a~~ an external sauce layer formed on the surface of the water migration-preventing layer, said external sauce layer being different in composition from said water migration-preventing layer, and the product is frozen in such a state.